

NEWHALL LAND

A LENNAR/LNR COMPANY

5 July 2007

Ms. Blythe Ponek-Bacharowski
Acting Chief, Watershed Regulatory Section (NPDES)
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013-2343

Subject: Newhall Comments on the Draft NPDES Permit for the Newhall Ranch WRP

Dear Ms. Ponek-Bacharowski:

We appreciate the opportunity to comment on the Draft NPDES Permit for the Newhall Ranch Water Reclamation Plant (WRP). We also would like to thank you for your significant efforts in developing this draft permit. Consistent with the State Water Resources Control Board's (SWRCB) policy on water reuse (Resolution No. 77-1), the Newhall Ranch development will make maximal use of recycled water, including supplies from the Newhall Ranch WRP. The Newhall Ranch WRP will be a state-of-the-art treatment facility dedicated to providing reclaimed water for non-potable use throughout the Newhall Ranch development, and discharging to the Santa Clara River only during wet weather periods when effluent supply exceeds reclaimed water demand. The WRP will use ultraviolet disinfection, membrane technology, and reverse osmosis to produce tertiary-treated effluent that is protective of water quality in the Santa Clara River, and meets the existing requirements of the nitrogen and chloride TMDLs.

In general, The Newhall Land and Farming Company (Newhall) is supportive of this draft permit, including the waste discharge requirements and the monitoring and reporting program, given the permit modifications that Regional Water Quality Control Board (Board) staff proposed during our meeting at the Board's office on June 25, 2007. A summary list of our initial comments (which were also submitted to you and Veronica Cuevas-Alpuche during the June 25 meeting), and our understanding of your proposed response to each, is included as Table 1 below.

In addition to these previously submitted comments, we would like to submit the following list of comments for your consideration.

Newhall comment letter

1. Page 13, Table 7. **Copper and lead effluent limits should be revised based on local hardness data** for Newhall baseline receiving water monitoring station NR1, which is located at the proposed discharge site. 50th and 90th percentile hardness values for NR1 are 384 and >400 mg/L as CaCO₃, respectively, for the May 2004 through October 2006 period, which is the same period of coverage for monitoring data provided to Regional Board staff in December 2006 for their reasonable potential analysis. Using these hardness values, the following effluent limits are calculated, using the State Implementation Policy's (SIP) water quality-based effluent limit calculation methodology:
 - a. Copper (assuming CV = 0.6 (default) & n = 4):
Maximum Daily Effluent Limit (MDEL) = 48 ug/L,
Average Monthly Effluent Limit (AMEL) = 24 ug/L
 - b. Lead (assuming CV = 0.6 (default) & n = 4):
MDEL = 29 ug/L,
AMEL = 14 ug/L
2. Page 14, Table 7. Since the Newhall WRP effluent limits are generally based on those of the Valencia WRP's NPDES permit, consistent with guidance based on the EPA's Technical Support Document Chapter 3.2, the **selenium limits should be revised to reflect those of the Valencia permit**, or AMEL = 50 ug/L and no MDEL. Furthermore, the current MDEL value of 8.2 ug/L is (a) inconsistent with the CTR, which reports no chronic maximum concentration for selenium, and (b) inconsistent with the SIP as it is based on a MDEL/AMEL multiplier of 2.0, which is multiplier that is applicable to human health-based criteria only (selenium criteria are aquatic life-based) as stated on the bottom of page 8 of the SIP.
3. Page 15, Table 7. **Reasonable potential results should be based only on baseline receiving water monitoring data for NR1**, or the receiving water monitoring site located at the discharge point. During three years of monthly monitoring at NR1, 4,4'-DDE has never been detected, based on detection limits of 0.001 to 0.010 ug/L. This correction should therefore result in the **removal of effluent limits for 4,4'-DDE**, as no effluent limitations are necessary to achieve water quality standards or are reasonably required to protect beneficial uses. Board staff previously used monitoring data from downstream receiving water monitoring site NR3 to base the reasonable potential finding for 4,4'-DDE. However, NR3 is a site that is located nearly 3 miles downstream of the proposed discharge location, with several tributaries and agricultural outfalls discharging

between the two sites. Therefore, NR3 is not representative of baseline receiving water quality conditions at the WRP's point of discharge. This recommended change is consistent with section 1.4.3.1 of the revised SIP, which states, "If possible, preference should be given to ambient water column concentrations measured immediately upstream or near the discharge." DDE is a breakdown product of DDT, a historic, organochlorine pesticide that is not associated with municipal wastewater discharges, and therefore permit limits for this constituent are not necessary or appropriate.

4. Page E-6, Table 1 (footnote) and Page E-18, Section VIII. Receiving water monitoring requirements should be clarified to state that **downstream sampling is not required when effluent and River flows are not observed to commingle**. Regional Board staff have noted that, consistent with the Table 1 footnote on page E-6, the objective of the receiving water monitoring program is to collect water quality data that represents downstream commingled concentrations in the Santa Clara River, and that if discharge flows infiltrate in the channel prior to mixing with River flows, downgradient effluent-only samples from the channel would be redundant (raw effluent sampling is already required). Therefore clarification should be provided regarding monitoring when this condition is observed.
5. Other minor comments:
 - a. Page 7, Table 5. Please add a footnote explaining the asterisk (*) designation for the MUN use. Example footnote language is as follows: "* The potential municipal and domestic supply beneficial uses for the water body is consistent with the State Water Resources Control Board Order No. 88-63 and Regional Board Resolution No. 89-003; however, the Regional Board has only conditionally designated the MUN beneficial use and at this time cannot establish effluent limitations designed to protect the conditional designation."
 - b. Pages 34, Section VII. Please change wording in all Section VII items from "will" to "may" when discussing potential violations (e.g., "the discharger *will* be considered out of compliance"), as was proposed for Los Angeles County Sanitation District's JWPCP, Long Beach, and Los Coyotes WRP permits.
 - c. Page E-8, Table 3. Footnote 4 refers to turbidity exceeding 5 turbidity units. However, page 12 section III.H of the Permit states that the turbidity effluent limit is 0.5 NTUs or no more than 0.2 NTU 5 % of the time. Addition of this third 5

NTU limit may require the plant to unnecessarily implement a second continuous turbidity meter. Please render these sections consistent.

- d. Page E-19, Table 7a. Please include the following footnote for E. coli testing: "E. coli testing shall be conducted only if fecal coliform testing is positive. If fecal coliform analysis results in no detection, a result of less than (<) the reporting limit for fecal coliform will also be reported for E. coli."
- e. Page E-19, Section VIII.A. Please add the following monitoring provisions, to ensure safety of sampling staff and usefulness of receiving water monitoring data: "Receiving water samples shall not be taken during or within 48 hours following the flow of rainwater runoff into the Santa Clara system. Sampling may be rescheduled at receiving water stations if weather and flow conditions would endanger personnel collecting receiving water samples. Monthly reports shall note such occasions."
- f. Page E-3, Section I.A. The last sentence in this section states: "Results of quarterly, semiannual and annual analyses shall be reported in the monthly monitoring report following the analysis." This language should be revised to state: "in the second monthly monitoring report following the analysis," consistent with due dates shown in the table on page E-25.
- g. Page F-27. Section xii states that the receiving water limitations for coliform bacteria are based on Resolution [20]01-018, Amendment to the Water Quality Control Plan for the Los Angeles Region to Update Bacteria Objectives for Water Bodies Designated for Water Contact Recreation. An implementation provision in this amendment specifies that the geometric mean should be calculated "based on a statistically sufficient number of samples (generally not less than 5 samples equally spaced over a 30-day period)." This provision should be included in the receiving water geometric mean limits listed above.
- h. Page F-36, Table 5 & page F-42, Table 6. For consistency, please include all parameters from page 13 Table 7 in these effluent limit tables. For instance, settleable solids, oil and grease, total dissolved solids, chloride, sulfate, and boron should be added to these tables, with their bases for inclusion shown in Table 6. Also for Table 6, please add information on how the effluent limits for each parameter were calculated; i.e., add a column listing the lowest applicable water

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quality standard used and, in the case of CTR-based metal limits, the hardness value assumed for the aquatic life water quality criteria calculations.

Thank you again for your time and effort on this permit.

Sincerely,



for

Mark Subbotin
Vice President, Community Development
The Newhall Land and Farming Company

Copies to: Steve Zimmer

Glenn Adamick

Table 1. Comments on the Draft NPDES Permit for the Newhall Ranch WRP, Submitted to Board Staff for Discussion at the June 25 Meeting

Newhall Comment	Board Response at June 25 Meeting
1. On p 13, the plant design flowrate used for the mass load limits is 2.0 mgd. However, p F-14 correctly notes that phased plant capacity may be up to 6.8 mgd within the 5-year permit cycle. We therefore request that the permitted maximum flowrate, and the value used for computing the mass load limits, be changed to 6.8 mgd.	Board staff acknowledged that they will not change the permitted plant design flow rate, but will add a new reopener provision to p 24 regarding possible plant phase-up within this permit cycle.
2. On p 13, table footnote #2 states that the chloride limit will remain until the TMDL is revised to include a WLA for the Newhall WRP. However, consistent with the finding on p F-13 of the fact sheet, TMDL staff have clarified that that the concentration-based limit for chloride is protective of the TMDL and therefore the TMDL does not need to be reopened or revised to reflect this new discharge. This language should instead be revised to state that the chloride limit will remain until an SSO is developed for the reach, which could potentially come out of the ongoing chloride TMDL special studies.	Board staff acknowledge that they will make this change and consider this proposed language (although they preferred to say that the chloride limit may change "if" (rather than "until") a chloride SSO is developed for the reach).
3. On p 13, as was originally requested, the monthly chloride limit should be replaced with an annual (or rolling 365-day) average limit.	Board staff acknowledged that they will not make this change, noting that only interim chloride permit limits have so far been averaged annually. They did note though that they thought the Basin plan chloride objective was eventually going to be changed to an annual average.

4. On p 14, table footnotes #3 and 4, which refer to the SCR nitrogen TMDL, should be revised to include a statement to the effect that the ammonia limits will remain until the pending ammonia SSO is adopted by US EPA and OAL, at which time the permit will be reopened and the limits revised to reflect this change.	Board staff acknowledged that they will make this change and will add a finding that the ammonia SSO was adopted, either as a footnote to the effluent table or in the fact sheet section on ammonia. They did note though that the SSO should not change our ammonia limits as the WER only affects the chronic LTA, but it is actually the acute LTA that impacts our limit calculations.
5. On p 14, regarding the calculation of the ammonia limits, an n value of 4 should be used instead of 30 to reflect actual proposed effluent sampling frequency (which is weekly, or 4 times per month). This change should result in the revision of the average monthly ammonia-N limit from 1.48 to 1.93 mg/L.	Board staff acknowledged that they will change to n = 4 for the ammonia limit calculation.
6. On p 14, regarding the basis for CTR metal effluent limits, clarification (e.g., calculation methods, hardness value(s) assumed, etc.) should be provided to support the values shown.	Board staff acknowledged that they will use site specific hardness values for the CTR metal effluent limit calculations (as opposed to copying limit values from Valencia's permit), and will consider including a sample calculation for CTR limits.

7. App E. Several tables are attached for comparison of Newhall's monitoring requirements with those of LACSD for the Valencia WRP. Given that the Newhall plant will discharge much less volume and much less frequently, and therefore potential receiving water impacts are much less significant, monitoring requirements should be the same as or less than Valencia's. As currently written, Newhall's influent, effluent, receiving water, and ground water monitoring requirements, in terms of sampling frequency, type (i.e. grab vs 24-hour composite), and constituents, are much more stringent than Valencia's. Similarly, monitoring reports should be due at the same time; Newhall's reports are due 30 days sooner than Valencia's, according to the draft permit.

Board staff acknowledged that they will change from composite to all grab samples for the receiving water monitoring requirements. Board staff also acknowledged that they will change the receiving water monitoring frequency to match Valencia's for constituents that are without effluent limits in this permit (including radioactivity). Influuent, effluent, and groundwater monitoring requirements will not change. Monitoring reporting time will not change, and they noted is consistent with City of LA WRP permit requirements. Board staff also noted that RPA will be done again after the interim monitoring period (18 months), and the permit will be reopened or will be revised in the next permit cycle so that effluent limits and monitoring requirements can be adjusted to reflect new reasonable potential results.

8. On p E-6, the table footnote states that, “The Discharger shall endeavor to take a sample representative of actual downstream receiving water conditions.” This footnote should be deleted or clarified to state that downstream samples will be collected 300 feet downstream of the discharge, in the major flow stream nearest to the northern bank of the channel. In most cases, this sample is expected to represent undiluted effluent after 300 feet of downstream travel and infiltrative/evapotranspirative losses. We do not expect it to be feasible to regularly identify a point of mixing with ambient River flows for downstream sampling.	Board staff acknowledged that they will clarify language, and will change footnote to state that the Discharger will endeavor to take a sample downstream of the comingled point. Staff noted that monitoring reports should describe each sample collection location, recognizing that this location may vary depending on the comingling point. Staff did not provide final clarification on whether receiving water monitoring will be required if WRP effluent flows do not reach mainstem flows.
9. On p E-13, chronic toxicity screening requirements state that, “The Discharger shall conduct the first chronic toxicity test screening for three consecutive months beginning on the date of initial discharge.” This statement should be clarified to state that anytime during each of the first three months, screening can be conducted, rather than implying that screening sampling must occur on the initial date of discharge.	Board staff acknowledged that they will clarify this language, changing “on” to “from”.
10. On p E-18, clarification should be added to state that receiving water monitoring is necessary when the WRP is not discharging. The intent of the permit’s receiving water monitoring program is to determine discharge-caused receiving water quality impacts, a concept which isn’t relevant during non-discharging periods.	Board staff acknowledged that they will clarify the receiving water monitoring requirements so that monitoring is not required during periods when the WRP is not discharging, with the stipulation that a minimum of two samples per year are required for each constituent.

<p>11. On p E-22, the final 3 sentences of item IX.A.1 on the watershed-wide monitoring program should be removed. A watershed wide-monitoring plan has already been developed, therefore this language is not relevant. Furthermore, it is not the responsibility of an individual discharger to develop this plan, but rather the responsibility of the broader watershed stakeholder group.</p> <p>12. On p E-25, the permit states that all monitoring periods begin on the permit effective date. Given that the discharge is not yet occurring, these requirements should be revised to state that all monitoring programs begin on the initial date of discharge.</p>	<p>Board staff acknowledged that they will have Michael Lyons look at this language, and will consider clarifying to recognize that a WWMMP has already been developed for the SCR.</p> <p>Board staff acknowledged that they will add clarifying language at the end of the influent, effluent, and receiving water monitoring sections stating that monitoring will commence upon plant startup. Board staff also acknowledged that they will add language to the groundwater monitoring section stating that the Discharger will submit a work plan within six months of the effective permit date, and that this work plan will include information on well locations, installation date, and monitoring start date (a minimum of six months pre-startup groundwater monitoring is required).</p>	<p>13. On p F-25, there appears to be an error in the following statement: “The 90th percentile of pH is 8.6, measured at the immediate downstream receiving water (Station R-A). Using the pH value of 8.4 in the formula above, the resulting MDEL is 3.87.” The limit appears to be correct, but both pH values should be 8.4.</p> <p>Board staff acknowledged that they will this change.</p>
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Board staff acknowledged that they will not make this change, explaining that the table on F-42 is sufficient.	<p>14. On p F-31, a finding states that, "Based on the RPA, there was reasonable potential for the Discharge to contribute to an exceedance of the following pollutants." However, based on our analysis of May 2004 through October 2006 receiving water monitoring data for samples collected at the discharge location (NRI1), of these 16 pollutants, only mercury was found to exceed relevant water quality standards and therefore trigger the reasonable potential criteria. Additional basis supporting the reasonable potential determination should be provided in the fact sheet.</p>
	<p>15. On p F-34, in justifying that mixing zones aren't appropriate, the permit states that, "The Newhall Ranch WRP discharge contributes the largest flow (effluent dominated) into the SCR watershed in the vicinity of the discharge point." This section also states that, "The receiving water primarily consists of nuisance flows and other effluents." Neither of these statements are accurate, and both should be removed or corrected. Natural baseflows (consisting of rising groundwater) and upstream effluent make up the majority of the SCR water budget at the County line during dry conditions, during which periods the Newhall WRP will not discharge.</p> <p>Board staff acknowledged that they will make this change, and will consider replacing this text with the following clarifying language, recommended by the Discharger: "1. The Newhall Ranch WRP will discharge during wet periods when effluent supply exceeds reclaimed water demand, and this discharge quantity is expected to be greatly exceeded by instream flowrates. 2. At the discharge location, Santa Clara River flows consist primarily of shallow rising groundwater and baseflows, municipal wastewater effluent, Castaic reservoir releases (depending on water availability), agricultural runoff, and stormwater runoff (during/after precipitation events)."</p>

<p>16. On p F-35, the permit includes interim monitoring requirements requiring collection of 18 monthly samples, and report the results on a monthly basis, once discharge begins. The permit needs to clarify which parameters are applicable here, and whether this is for effluent sampling in particular. The language should also clarify how this affects the normal monitoring program, which only requires quarterly and semiannual monitoring for several of the constituents.</p>	<p>Board staff acknowledged that they will make this change, removing this section on interim monitoring requirements, noting that it is redundant with the receiving water monitoring requirements described earlier in the permit.</p>
<p>17. On p F-40, in the section titled “Satisfaction of Antidegradation Policy,” the fact sheets states: “In addition, the discharge has hired consultants to conduct modeling to project downstream conditions. Modeling suggests that the discharge from Newhall may dilute some of the poor water quality with respect to chloride and nutrients.” We recommend that this finding be clarified and expanded beyond just the 303d pollutants. Suggested revised language is as follows, and is consistent with the “no impact” finding of item e on p F-14 of the fact sheet: “The discharger has provided data and analysis that supports the finding that planned seasonal discharges from the facility will not significantly increase background pollutant concentrations in the Santa Clara River given the state-of-the-art treatment processes employed as well as the very minor discharge volumes relative to average wet season instream flows.”</p>	<p>Board staff acknowledged that they will make a similar language change to the section. They will continue to reference the previous chloride mass balance calculation results provided by the discharger, but will state that because this is a conservative constituent, these results conservatively reflect the dilution anticipated for other, non-conservative pollutants, and therefore other pollutants are not expected to significantly increase downstream in the SCR as a result of WRP discharges. They may also add standard language about any minor increases being justifiable according to antidegradation policy stipulations.</p>

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| 18. On p F-XX, the permit requires a SWPPP to be submitted 90 days from the effective permit date, however without plant designs completed yet this will not be feasible. This requirement should be changed to: "XX days from the start of discharge." | Board staff acknowledged that they will make this change, using "90 days" from the start of discharge. |
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